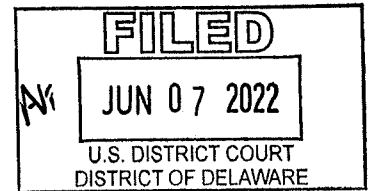


(Del. Rev. 11/14) Pro Se Prisoner Civil Rights Complaint

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

Brandon Lee Penchey



*(In the space above enter the full name(s) of the plaintiff(s).)*

-against-

Corporal Price  
Cl Perez

Civ. Action No. **22 - 748**  
(To be assigned by Clerk's  
Office)

**COMPLAINT**

(Pro Se Prisoner)

Jury Demand?

☒ Yes

☐ No

*(In the space above enter the full name(s) of the defendant(s).)*

*If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)*

**NOTICE**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

**Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.**

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**I. COMPLAINT**

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Check one:

- ☐ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)

**II. PLAINTIFF INFORMATION**

Panchyer Brendon L.S. Bud  
Name (Last, First, MI) Aliases

6110728  
Prisoner ID #

James T. Vaughn Correctional Center  
Place of Detention

1181 Reddick Rd  
Institutional Address

Kent Smyrna DE 19977  
County, City State Zip Code

**III. PRISONER STATUS**

Indicate whether you are a prisoner or other confined person as follows:

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

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**IV. DEFENDANT(S) INFORMATION**

*Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.*

Defendant 1: Epl Price  
 Name (Last, First)  
Corrections Officer (Corporate)  
 Current Job Title  
1181 Reddick Rd  
 Current Work Address  
Kennel Smyrna DE 19977  
 County, City State Zip Code

Defendant 2: Perez  
 Name (Last, First)  
Corrections Lieutenant  
 Current Job Title  
1181 Reddick Rd  
 Current Work Address  
Kennel Smyrna DE 19977  
 County, City State Zip Code

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**Defendant(s) Continued**

Defendant 3:

\_\_\_\_\_  
Name (Last, First)

\_\_\_\_\_  
Current Job Title

\_\_\_\_\_  
Current Work Address

\_\_\_\_\_  
County, City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

Defendant 4:

\_\_\_\_\_  
Name (Last, First)

\_\_\_\_\_  
Current Job Title

\_\_\_\_\_  
Current Work Address

\_\_\_\_\_  
County, City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

Place(s) of  
occurrence:

James I Vaughn Correctional Center

Date(s) of occurrence: \_\_\_\_\_

8th Amendment Cruel and Unusual Punishment  
14th Amendment

FACTS:

What  
happened to  
you?

I was housed on El-Delle Tier at approximately  
9:50 AM I smeared feces on the wall in my cell.  
I was informed I was being walked up stairs 10  
minutes later Lt Perez came on the tier  
asked me JP I was done and I said done  
What he then instructed Corporal Price to  
spray his air verbatorn my cell told that  
was opened and I was sprayed for approximately  
3 seconds I had not put it through the  
security risk or was I being disruptive  
at the time I was standing quietly and  
calmly in my cell. After being sprayed I  
had from a shower where I had  
the seizure upon coming out of the  
seizure in the jail ~~not~~ related  
Stage I heard Lt Perez say I hope  
he makes a move so I can take on your  
protection and on him.

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Who did  
what?

At Penn you the order to pray me  
which Corporal price complied with  
I was not comfortable and causing a disturbance  
and posed no risk or immediate threat.

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Officer Anderson Corporal Shennan Corbett  
and various other officers

Was anyone  
else  
involved?

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**VI. ADMINISTRATIVE PROCEDURES**

*WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.*

Is there a grievance procedure available at your institution?

☒ Yes☐ No

Have you filed a grievance concerning the facts relating to this complaint?

☒ Yes☐ No

If no, explain why not:

Is the grievance process completed?

☐ Yes☒ No

If no, explain why not:

The grievance has been rejected

**VII. RELIEF**

*State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.*

I would like compensatory relief my eye has been damaged from the spray I have a tear in my eye from the Pucker up the spray



**VIII. PRISONER'S LITIGATION HISTORY**

*The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).*

Have you brought any other lawsuits in state or federal court while a prisoner?

☒ Yes ☐ No

If yes, how many? 1

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

Brandon Lee Pemberton v Delaware Department of  
Corrections Commissioner et al member D Hudson  
Officer Cedeno Officer White Robert May

FDH Amendment 1st Amendment violation

Still pending

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**IX. PLAINTIFF'S DECLARATION AND WARNING**


Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; and (3) complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

*Plaintiff must sign and date the complaint and provide prison identification number and prison address.*

6-3-2022

Dated



Plaintiff's Signature

 Penhiser Brandon L  
 Printed Name (Last, First, MI)

410728

Prison Identification #

1181 P/H/118 RD

Prison Address

 Smyrna  
 City

DE

State

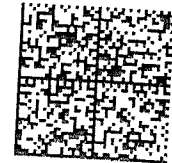
15877

Zip Code

**Plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.**

IM Brendan Penubiger  
SBI# U10728 UNIT A-Tier 21

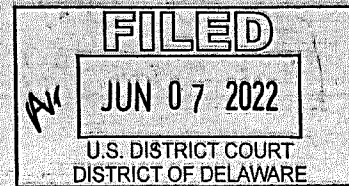
JAMES T. VAUGHN CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977



US POSTAGE IMPITNE



ZIP 19977 \$ 001.  
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0000376167 JUN. 04



**X-RAY**  
**U.S. M.S.I.**  
Office of The Clerk  
United States District Court  
844 N King St Unit 18  
Wilm DE 19801-3570